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14 UNITED STATES DISTRICT COURT  
15 NORTHERN DISTRICT OF CALIFORNIA  
16 SAN JOSE DIVISION

17 CISCO SYSTEMS, INC.,

18 Plaintiff,

19 v.

20 ARISTA NETWORKS, INC.,

21 Defendant.  
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Case No. 5:14-cv-05344-BLF (NC)

**DECLARATION OF EDUARDO E.  
SANTACANA IN SUPPORT OF  
DEFENDANT ARISTA NETWORKS,  
INC.'S ADMINISTRATIVE MOTION TO  
FILE DOCUMENTS UNDER SEAL  
REGARDING JOINT DISCOVERY  
LETTER RELATED TO CISCO'S  
PRIVILEGE CLAIMS**

Judge: Hon. Nathanael Cousins

Date Filed: December 5, 2014

Trial Date: November 21, 2016

1 I, EDUARDO E. SANTACANA, declare and state as follows:

2 1. I am an attorney licensed to practice law in the State of California and admitted to  
3 practice before this Court. I am an associate at the law firm of Keker & Van Nest LLP and  
4 counsel for Defendant Arista Networks, Inc. in the above-captioned action. I have personal  
5 knowledge of the facts stated herein and, if called as a witness, I could testify competently  
6 thereto.

7 2. Arista seeks to file under seal documents and information submitted in connection  
8 with the parties' Joint Discovery Letter, which is a non-dispositive motion. Because this Motion  
9 to Seal relates to a non-dispositive motion, the documents and information that the parties request  
10 to file under seal are not subject to a strong presumption of public access. *See Kamakana v. City*  
11 *& Cty. of Honolulu*, 447 F.3d 1172, 1180 (9th Cir. 2006). Rather, the "good cause" standard of  
12 Rule 26(c) of the Federal Rules of Civil Procedure applies to the material that Arista seeks to file  
13 under seal. *Id.* at 1179. Civil Local Rule 79-5 further requires that a party seeking to seal  
14 information and documents "establish[] that the document, or portions thereof, are privileged,  
15 protectable as a trade secret or otherwise entitled to protection under the law." Civil L.R. 79-5(b).  
16 The sealing request must also "be narrowly tailored to seek sealing only of sealable material." *Id.*

17 3. Ex. J to Joint Discovery Letter Related to Cisco's Privilege Claims is the entirety  
18 of Arista's privilege log produced in this action. Good cause supports sealing Arista's privilege  
19 log. The log discloses the internal e-mail addresses of dozens of Arista personnel as well as the e-  
20 mail addresses of Arista's counsel, both in litigation matters and non-public matters. The log also  
21 discloses which counsel have worked on which projects, and when.

22 4. There is particularly good cause to seal the log here, because Cisco only cites to  
23 the log in a footnote, in a string cite, in general form without page citations. When Arista  
24 requested that Cisco excerpt the log to include only those pages that Cisco found relevant, Cisco

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1 refused, necessitating this request to seal the log.

2 Executed July 25, 2016, at San Francisco, California.

3 I declare under penalty of perjury under the laws of the United States of America that the  
4 foregoing is true and correct.  
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9 EDUARDO E. SANTACANA